

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)

4 BEFORE THE
5 ILLINOIS COMMERCE COMMISSION

6 RAYMOND E. LA VIGNE, DDS,)
7)
8 Complainant,)
9)
10 vs.) No. 13-0606
11)
12 COMMONWEALTH EDISON)
13 COMPANY,)
14)
15 Respondent.)

16 Complaint as to billing/charges in Palatine, Illinois.

17 Met pursuant to notice on June 12th, 2014.
18 Before the ADMINISTRATIVE LAW JUDGE TERRANCE HILLIARD,
19
20 APPEARANCES:

21 LAW OFFICES OF MARK L. GOLDSTEIN, P.C., by
22 MR. MARK L. GOLDSTEIN

23 GRAHAM & GRAHAM, LLP
24 MS. REBECCA GRAHAM

25 On behalf of the Respondent.

26 ALSO PRESENT: Ms. Trishaune Jamison, Respondent
27 Mr. Julian DuBuclet

1 ADMINISTRATIVE LAW JUDGE HILLIARD: On behalf of
2 the Illinois Commerce Commission, I call Docket 13-0606,
3 Raymond E. La V I G N E, DDS versus Commonwealth Edison
4 Company, complaint as to billing and charges in
5 Palatine, Illinois.

6 It's now 11:20. This matter was set for
7 11:00 a.m. This case was set for hearing on April 24th;
8 the complainant did not appear at that time.

9 This matter comes to be heard on what the
10 Commission construed as Mr. -- Dr. La Vigne's petition
11 for rehearing after the matter had been dismissed
12 because the parties believed that they had a settlement
13 in place. Mr. La Vigne objected to the settlement.

14 The matter was reinstated pursuant to
15 Section 10-113 of the Public Utilities Act. Pursuant to
16 that Section of the Act, it's incumbent upon the movant
17 to resolve the matter on rehearing within 150 days after
18 the rehearing is granted. The rehearing date in this
19 case occurs on July 20th.

20 I'd note for the record that this matter was
21 previously scheduled for April 24th, and Mr. La Vigne
22 did not appear at that time. He was notified that this
23 matter was scheduled for today's date at this time. He
24 has not appeared. He has not made any -- He has not
25 contacted me. There's correspondence in the file that

1 indicates that Dr. La Vigne has decided he doesn't want
2 to physically appear for a hearing, that he considers it
3 not a productive use of his time; and that's about what
4 I know about the file.

5 Can you make your appearance here today,
6 Counsel.

7 MR. GOLDSTEIN: Yes. For Commonwealth Edison
8 Company, Mark L. Goldstein, 3019 Province Circle,
9 Mundelein, Illinois 60060. My telephone number is
10 (847) 949-1340.

11 MS. GRAHAM: Rebecca Graham, 115 South LaSalle,
12 Suite 2600, Chicago, Illinois 60603. My telephone
13 number is (312) 505-8154.

14 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. I note
15 for the record that Mr. Goldstein had a motion to
16 dismiss this matter for want of prosecution on
17 April 24th; I took it under advisement.

18 Do you have any comments you would like to
19 make, Mr. Goldstein?

20 MR. GOLDSTEIN: Yes, I would. Just that, both
21 prior to and subsequent to April 24th, 2014, I made at
22 least half a dozen attempts to resolve this matter with
23 Dr. La Vigne. All those attempts were unsuccessful,
24 generally because Dr. La Vigne would not sign a
25 settlement agreement with Commonwealth Edison Company,

1 nor would he sign a stipulation to dismiss in any form.

2 I have had numerous correspondence with Dr. La
3 Vigne to no avail, and because of all that, I would ask
4 Your Honor to -- I'll renew my motion to dismiss for
5 want of prosecution and ask that this matter be
6 dismissed with prejudice as opposed to what the general
7 course of action is by the Commission in dismissing
8 matters where the complainant fails to appear and
9 prosecute the complaint.

10 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. I think
11 that recommendation is appropriate. I'll prepare a
12 proposed Order, which will be served on the parties and
13 try to get this resolved by the statutory deadline.

14 Thank you.

15 MR. GOLDSTEIN: Thank you, Judge.

16 MS. GRAHAM: Thank you.

17 MR. GOLDSTEIN: Can we mark it heard and taken?

18 ADMINISTRATIVE LAW JUDGE HILLIARD: Yeah, we could
19 mark it heard and taken, I guess.

20 THE COURT REPORTER: I'm sorry?

21 ADMINISTRATIVE LAW JUDGE HILLIARD: What we -- The
22 last sentence that I want you to put down there is --
23 mark the record in this matter heard and taken.

24 (WHEREUPON, the record in this
25 matter was heard and taken.)

1 STATE OF ILLINOIS)
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5 Natalie Kostka, being first duly sworn, on
6 oath says that she is a Certified Shorthand Reporter,
7 Registered Professional Reporter, doing business in the
8 City of Chicago, County of Cook and the State of
9 Illinois;

10 That she reported in shorthand the proceedings
11 had at the foregoing hearing;

12 And that the foregoing is a true and correct
13 transcript of her shorthand notes so taken as aforesaid
14 and contains all the proceedings had at the said
15 hearing.

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NATALIE KOSTKA, CSR, RPR

19

20 CSR No. 084-004771

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22 SUBSCRIBED AND SWORN TO
23 before me this 18th day of
24 June A.D., 2014.

25

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